

1 P-R-O-C-E-E-D-I-N-G-S

2 9:58 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case Number 19-CC-00098,
5 Harris Teeter, License Number 95170.

6 Would the parties please approach
7 and identify themselves for the record, please?

8 MR. LUI: Good morning, John Lui, on
9 behalf of the Government.

10 CHAIRPERSON ANDERSON: Good morning,
11 Mr. Lui.

12 MS. MAYBERRY: Good morning, Ayana
13 Mayberry, on behalf of Harris Teeter, LLC.

14 CHAIRPERSON ANDERSON: Good morning,
15 Ms. Mayberry. What's your relationship with
16 this establishment? Are you --

17 MS. MAYBERRY: Attorney --

18 CHAIRPERSON ANDERSON: -- an
19 attorney?

20 MS. MAYBERRY: -- with Pascal, Weiss,
21 and Hirao.

22 CHAIRPERSON ANDERSON: Okay. Good
23 morning. I'm not familiar with you, so
24 therefore, I ask the questions.

25 I know certain attorneys who have

1 appeared before me and so, therefore, I don't
2 question them. Now that I see your face, the
3 next time you come, I won't ask. Thank you.

4 All right. Are there any
5 preliminary matters in this case?

6 MR. LUI: Yes, there are, Mr.
7 Chairperson.

8 CHAIRPERSON ANDERSON: And what are
9 they, sir?

10 MR. LUI: There is an offer in
11 compromise to present to the Board.

12 CHAIRPERSON ANDERSON: And what is
13 that?

14 MR. LUI: For Charge 1, the sale to a
15 minor, the offer in compromise is a \$4,000 fine,
16 made payable within 30 days or its license shall
17 be suspended indefinitely until this fine is
18 paid.

19 Additionally, the license shall be
20 suspended for ten days, with four days to be
21 served and six days to be stayed for one year.

22 Additionally, all employees who
23 serve alcoholic beverages in the licensed
24 establishment complete an alcohol training
25 program within three months from the OIC's date.

1 And lastly, in addition, the
2 respondent shall serve five days activated from
3 Case 19-CC-00033.

4 CHAIRPERSON ANDERSON: And what are
5 the days to be served, sir?

6 MR. LUI: For the five days that are
7 becoming activated, they will be served on
8 January 20, 2020 through January 24, 2020.

9 And for the four days to be served,
10 they will be served from January 27, 2020
11 through January 30, 2020.

12 CHAIRPERSON ANDERSON: I don't get
13 involved in the negotiation, I was just looking
14 at the dates to see, the 20th through the 24th,
15 and then, the 27th --

16 MEMBER CROCKETT: What about the
17 weekends?

18 CHAIRPERSON ANDERSON: I guess,
19 Harris Teeter sells a lot of liquor on the
20 weekends, so therefore, we don't want to miss
21 out on the sales on the weekend. All right.
22 So, that's the offer in compromise?

23 MR. LUI: Yes, Mr. Chairperson.

24 CHAIRPERSON ANDERSON: All right.

25 I'm sorry, your name again, ma'am? I'm sorry.

1 MS. MAYBERRY: Ayana Mayberry.

2 CHAIRPERSON ANDERSON: May --

3 MS. MAYBERRY: Mayberry.

4 CHAIRPERSON ANDERSON: Ms. Mayberry,
5 good morning, Ms. Mayberry. Ms. Mayberry, it's
6 my understanding that there's an offer in
7 compromise.

8 And the offer in compromise is that
9 there is a fine, for Charge 1, there is a fine
10 of \$4,000, payable within 30 days. If the fine
11 is not paid within 30 days, the license will be
12 suspended until the fine has been paid.

13 Secondly, there is a ten-day
14 suspension. Four of the days will be served and
15 that six days will be suspended for one year,
16 meaning that if another infraction occurs within
17 another year, those days will be kicked in.

18 Also, that all the employees who
19 sell or serve alcohol will undergo mandatory
20 training within the next 90 days.

21 Also, because of this sale, there is
22 a five-day suspension that was triggered from
23 Case Number 19-CC-00033.

24 So, basically, the establishment
25 will be prevented from selling or serving

1 alcohol from January 20 through January 24,
2 2020, and also from January 27 through January
3 30, 2020.

4 Is this your understanding of the
5 offer in compromise?

6 MS. MAYBERRY: Yes, Chairperson.

7 CHAIRPERSON ANDERSON: Is your client
8 aware that by accepting an offer in compromise
9 that they're giving up their right to a hearing?

10 MS. MAYBERRY: Yes.

11 CHAIRPERSON ANDERSON: Is your client
12 also aware that by accepting an offer in
13 compromise that they're giving up their right to
14 appeal this matter?

15 MS. MAYBERRY: Yes.

16 CHAIRPERSON ANDERSON: All right.
17 With that said, I make a motion that the offer
18 in compromise of a fine of \$4,000, payable
19 within 30 days be accepted.

20 That as far as part of the charge,
21 there is a ten-day suspension, four days will be
22 served, six days are stayed for one year.

23 That all employees who sell or serve
24 alcohol will undergo training within the next 90
25 days.

1 And that the establishment will be
2 prohibited from selling or serving alcohol from
3 January 20 through January 24, 2020, and also
4 from January 27 through January 30, 2020.

5 Is there a second?

6 MEMBER CROCKETT: Second.

7 CHAIRPERSON ANDERSON: Ms. Crockett
8 has seconded the motion. All those in favor,
9 say aye.

10 (Chorus of ayes.)

11 CHAIRPERSON ANDERSON: Those opposed?
12 The matter passes, 4-0-0.

13 The Board will issue a Board Order
14 on this matter.

15 So, therefore, it's, even if the
16 Board Order is not issued, it's understood that
17 January 20 through January 24 and January 27
18 through January 30, the Licensee will be
19 prevented from selling or serving alcohol.

20 Thank you very much, have a good
21 day.

22 MS. MAYBERRY: Thank you.

23 (Whereupon, the above-entitled
24 matter went off the record at 10:04 a.m.)
25

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Harris Teeter

Before: DCABRA

Date: 01-15-20

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

Neal R Gross

Court Reporter

NEAL R. GROSS

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